

1 HONORABLE BARBARA J. ROTHSTEIN  
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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 SIERRA CLUB, *et al.*, )  
12 Plaintiffs, ) No. C11-1759BJR  
13 and ) UNOPPOSED MOTION, AND  
14 THE SPOKANE TRIBE OF INDIANS, ) PROPOSED ORDER, TO MODIFY  
15 Plaintiff-Intervenor, ) SUMMARY JUDGMENT BRIEFING  
16 v. ) SCHEDULE TO ALLOW EPA TO  
17 REGIONAL ADMINISTRATOR OF THE ) COMPLETE ITS REVIEW OF A  
18 ENVIRONMENTAL PROTECTION ) PROPOSED SETTLEMENT  
19 AGENCY, *et al.*, )  
20 Defendants, )  
21 and )  
22 SPOKANE COUNTY; KAISER )  
23 ALUMINUM WASHINGTON LLC; and )  
24 STATE OF WASHINGTON )  
25 DEPARTMENT OF ECOLOGY, )  
26 Defendant-Intervenors.  
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1 Defendants the Regional Administrator of the Environmental Protection Agency, et al.  
 2 (collectively "EPA"), submit this motion to extend by 21 days the existing dates set forth in the  
 3 Court's order (Dkt No. 248) for briefing on Plaintiffs' motion for summary judgment and on  
 4 EPA's and the Intervenor-Defendants' prospective cross-motions for summary judgment, to  
 5 allow EPA adequate time to complete its final review of a proposed consent decree. That decree,  
 6 if approved by EPA senior officials and entered by the Court, would result in a full resolution of  
 7 this lawsuit and thus render summary judgment motions moot. The undersigned counsel has  
 8 been authorized by the respective counsel for the other parties in this case -- Plaintiffs Sierra  
 9 Club and Center for Environmental Law & Policy, Plaintiff-Intervenor Spokane Tribe of Indians,  
 10 Defendant-Intervenor State of Washington Department of Ecology, Defendant-Intervenor  
 11 Spokane County, and Defendant-Intervenor Kaiser Aluminum Washington LLC -- to represent  
 12 that they do not oppose the relief requested by this motion.

15 This Court previously granted an extension of the summary judgment briefing schedule  
 16 in this case to afford EPA and Plaintiffs and Plaintiff-Intervenor time to explore settlement of  
 17 this case. Since that time, these parties have negotiated a proposed consent decree that, if fully  
 18 approved and entered by the Court, would resolve this lawsuit. EPA, however, requires up to an  
 19 additional 21 days to complete its final review of the proposed consent decree before it can  
 20 approve and sign the proposed consent decree and file it with the Court for entry. Accordingly,  
 21 EPA requests that the existing summary judgment deadlines be extended by 21 days. In the  
 22 unlikely event that EPA does not by that time approve the proposed consent decree and file it  
 23 with the Court, EPA will confer with the other parties and file an appropriate motion governing  
 24 any further modifications that may be necessary to the summary judgment briefing schedule.  
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1 Accordingly, if this 21-day extension request is granted, the schedule would be as  
2 follows:

3 1.A. EPA's Opposition to Plaintiffs' Motion for SJ and  
4 Cross-Motion for SJ (limited to 30 pages) Jan. 25, 2022

5 1.B. Oppositions to Plaintiffs' Motion for SJ and  
6 Cross-Motions for SJ, by Spokane County, Kaiser Aluminum,  
7 and the State of Washington  
(each limited to 20 pages) Jan. 25, 2022

8 2.A. Plaintiffs' Consolidated Opposition to the Cross-Motions  
9 for SJ and Reply in Support of Plaintiffs' Motion for SJ  
(limited to 30 pages) Jan. 25, 2022

10 2.B. Spokane Tribe's Consolidated Opposition to the Cross-Motions  
11 for SJ and Reply in Support of Plaintiffs' Motion for SJ  
(limited to 20 pages) Feb 15, 2022

12 3.A. EPA's Reply in Support of its Cross-Motion for SJ  
13 (limited to 20 pages) March 1, 2022

14 3.B. Replies in Support of EPA's Cross-Motion for SJ, by Spokane County,  
15 Kaiser Aluminum, and the State of Washington  
(each limited to 10 pages) March 1, 2022

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21 ORDER  
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23 IT IS SO ORDERED, on this 30th day of December, 2021.

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Barbara Jacobs Rothstein  
U.S. District Court Judge

1 Respectfully submitted by:

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UNOPPOSED MOTION TO MODIFY  
SUMMARY JUDGMENT BRIEFING  
SCHEDULE AND ORDER - 4  
Case No. C11-1759BJR

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